

UNITED STATES DISTRICT COURT  
Western District of Texas  
Austin Division

LANCE TERRELL	§	
<i>Plaintiff</i>	§	CASE NUMBER: 1:22-CV-1304
	§	
vs.	§	
	§	
OZARK CAPITAL CORPORATION	§	
<i>Defendant.</i>	§	DEMAND FOR JURY TRIAL

**ORIGINAL COMPLAINT**

1. Plaintiff Lance Terrell brings this action for claims under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*, and the Texas Debt Collection Act ("TDCA"), Tex. Fin. Code Chapter 392, to obtain actual damages, statutory damages, injunctive relief, costs and a reasonable attorney's fee for the Defendants' violations of the FDCPA and the TDCA.

**JURISDICTION AND VENUE**

2. The federal claims asserted arise under 15 U.S.C. § 1692. The jurisdiction of the Court is founded on 28 U.S.C. § 1331 (federal question). This Court has supplemental jurisdiction over the state-law claims under 28 U.S.C. § 1367.

3. Venue is proper in the United States District Court for the Western District of Texas, Austin Division, because the acts and transactions occurred in this district and because the Defendant transacts business in this district.

### **THE PARTIES**

4. Plaintiff Lance Terrell ("Terrell") is an individual residing in Travis County, Texas.

5. Defendant Ozark Capital Corporation ("Ozark") is an Arkansas corporation that may be served by serving its registered agent at:

Capitol Corporate Services, Inc.  
1501 S. Mopac Expressway  
Ste. 220  
Austin, TX 78704

### **FACTUAL ALLEGATIONS**

6. In 2016, Terrell took a loan from Amplify Federal Credit Union.
7. The loan was for goods or services for personal use.
8. The loan was not for goods or services used for business.
9. Terrell defaulted on the loan.
10. Terrell made his last payment on February 3, 2018.
11. After default, the loan was sold to Ozark.
12. Ozark purchases defaulted consumer debts and collects them.
13. Between April 20, 2022 and September 9, 2022, Ozark filed approximately 50 lawsuits in the Travis County justice courts to collect alleged debts from consumers.
14. Ozark sued Terrell to collect \$10,573.47, plus interest, attorney's fees, and court costs.
15. Ozark sued Terrell on April 20, 2022.
16. When Ozark sued, the debt was not judicially enforceable as the statute of limitations had run.

17. Terrell sustained a monetary injury by hiring counsel to defend the time barred suit.

18. Terrell, through counsel, asserted the statute of limitations defense.

19. The case went to trial and Terrell prevailed based on his statute of limitations defense.

#### **VIOLATION OF FDCPA**

20. Plaintiff re-alleges the above paragraphs as if set forth fully in this count.

21. Ozark violated § 1692e of the FDCPA by suing Terrell to collect a debt when the debt was not judicially enforceable.

22. Ozark violated § 1692f of the FDCPA by suing Terrell to collect a debt when the debt was not judicially enforceable.

#### **VIOLATIONS OF THE TDCA**

23. Plaintiff re-alleges the above paragraphs as if set forth fully in this count.

24. Ozark violated § 392.307(b) of the TDCA by commencing an action against Terrell to collect the debt after the expiration of the applicable limitations period.

**REQUEST FOR RELIEF**


25. Plaintiff requests this Court award him:

- a. Actual damages;
- b. Statutory damages;
- c. Costs; and
- d. A reasonable attorney's fee.

**JURY DEMAND**

Plaintiff demands trial by jury.

Respectfully Submitted,

By: 

Plaintiff's Attorney

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